

U.S. Patent Appln. Serial No. 10/002,287  
Office Action dated: December 02, 2004  
Response dated: March 02, 2005

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REMARKS

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in regards to Claims 3-8 and 12-15. No amendments have been made in response to the outstanding Office Action.

**Rejection under 35 U.S.C. §§ 102(e) and 103(a)**

The Examiner rejected Claims 1-2 and 9-11 under 35 U.S.C. 102(e) as being anticipated by Lee et al. (U.S. Patent Application Publication 2002/0024703 A1). The Examiner also rejected Claim 16 under 35 U.S.C. 103(a) as being unpatentable in view of Lee et al. in combination with Ohtani et al. (U.S. Patent Application Publication 2002/0149841 A1). Further, the Examiner also rejected Claim 17 under 35 U.S.C. 103(a) as being unpatentable in view of Lee et al. in combination with Fee et al. (U.S. Patent 5,726,788). Applicants respectfully disagree with each aforementioned rejection.

Applicants' instant invention includes a method and apparatus that allows a technician to safely determine whether non-visible laser light is present by providing a visible tracer signal concurrent with propagation of the non-visible laser light. Claim 1 clearly requires at lines 7 through 9 "releasing at said port a visible light tracer for propagation in the optical fiber with the non-visible laser light." Claim 10 clearly requires at lines 29 through 32 "being operative to combine the visual light tracer and the non-visible laser light into a combined radiation stream and release the combined radiation stream at said output." Claim 16 clearly requires at lines 25 through 26 "transmitting simultaneously a non-visible laser light and a visible light tracer." Claim 17 clearly requires at lines 31 through 32 "the light including non-visible laser light and a visible light tracer." Thus, it is clear from each of the independent claims that the visible tracer co-exists with and is propagated with the non-visible laser light.

Applicants respectfully submit that each of independent Claims 1, 10, 16, and 17, along with all Claims dependent therefrom, are believed to include limitations that clearly distinguish the present invention as originally claimed from the Lee et al. reference either taken alone or in any combination with the Ohtani et al. reference and/or Fee et al. reference. Specifically, the primary reference issued to Lee et al. discloses an apparatus and method for visualizing an automatic laser shutdown (ALS) state in an optical transmission system. During the ALS state, the transmission laser is shut down. In other words, non-visible light does not propagate during the ALS state. The Lee et al. device creates a visible signal during the ALS state – i.e., during such time that non-visible laser light is not propagating. This enables a technician to decide whether the ALS state exists.

Moreover, several passages within the Lee et al. reference clearly show that Lee et al.'s visible signal only occurs during the ALS state when non-visible laser light is shut down. In paragraph [0026],

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Lee et al. states "if the disconnection of the main optical signal flowing through the optical fiber is detected, the control unit (not shown) of the optical transmission system 100 is transitioned to the ALS state and the main signal outputted from the main optical/transmitting unit 10 is disabled in steps S10 and step S11." Still further, in paragraph [0031], Lee et al. states "[t]he presence of visible light in the optical fiber indicates an active ALS state and the absence of visible light indicates an inactive ALS state." Yet still further, in Claim 1 of Lee et al., it is clear that "an ALS visualization connection unit that selectively outputs either the main optical signal or the first ALS visible light to the optical system, according to a state of the system." In sharp contrast to Applicants' invention as disclosed and originally claimed, the Lee et al. clearly does not provide a visible signal that co-exists with and is propagated with the non-visible laser light.

Accordingly, Applicants submit that Lee et al. does not teach, disclose, nor suggest either alone or in any combination with Ohtani et al. and/or Fee et al. that a visible tracer co-exist with a non-visible laser light. Applicants therefore request that the rejections of Claims 1-2, 9-11, 16, and 17 be withdrawn.

### Conclusion

In light of the arguments made above, Applicants respectfully submit that Claims 1 through 17 are not anticipated nor rendered obvious by the cited references taken alone or in any combination. Accordingly, withdrawal of the Examiner's outstanding rejections and issuance of the pending claims is respectfully requested.

The Commissioner is hereby authorized to charge any additional fee and credit any overpayment to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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